IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITON NO. 1112 OF 2004

RAMESH BABULAL SONI .. PETITIONER

Vs.

THE STATE OF MAHARASHTRA .. RESPONDENTS

Mr.Arfan Sait, Advocate appointed for petitioner

Ms. U. V. Kejariwal, APP.

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:-13-12-04

P.C.

The petitioner's furlough application has been rejected on the ground that on the last occasion when he was released

there was one day's delay on his part in surrendering to the prison.

2. We have heard Ms. Kejariwal, learned APP. for the respondent. She contended that the police has submitted adverse police report. She showed us a copy thereof which states that, if the petitioner is released on furlough he is likely to threaten the complainant and the witnesses and he may abscond.

3. We feel that it would not be proper to deny furlough to the petitioner. We are informed that the punishment has already been imposed on the petitioner for one days delay in surrendering to the prison. Besides it is not the case of the respondents that when the petitioner was on furlough, he had threatened the complainant or the witnesses or that he had committed any other crime.

4. In the circumstances, we quash the order dated 24th November, 2003 denying furlough to the petitioner, we direct the DIG Prison Western Region, Yerwada Central Prison, Pune to grant the petitioner's furlough application in accordance with law and release the petitioner on furlough on usual terms and conditions. Petition is disposed of.

5. Copy of this order be sent to the petitioner who is at present in Yerawada Central Prison.

(SMT. RANJANA DESAI, J.)

(A. S. OKA, J.)